

REMARKS

The Office Action mailed February 12, 2007, has been carefully considered. In response thereto, the present application has been amended in a manner which is believed to place it into condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully solicited in view of the foregoing amendments and the following remarks.

The Applicant respectfully submits that the present Amendment overcomes the objection to the claims at the top of page 3 of the Office Action.

Claims 1-4, 6-14, 18-21 and 23-30 have been rejected under 35 U.S.C. § 103(a) over *Young et al* in view of *Bradshaw*. For the reasons set forth below, the Applicant respectfully traverses.

In the Final Rejection, it is acknowledged that *Young et al* does not teach that the maximum likelihood classifier is a classifier which globally maximizes a discriminant function. Instead, the Final Rejection relies on *Bradshaw* for that teaching. However, the cited portion of *Bradshaw* does not say as much, but is instead silent on that matter. Therefore, the Applicant respectfully submits that the combination of references would not have resulted in the present claimed invention.

Also, the motivation stated in the Final Rejection to combine is “to separate classes, which are non-linearly separable....” However, the Final Rejection has not shown that a person having ordinary skill in the art would have recognized such a problem in *Young et al*.

On page 2 of the Final Rejection, a response is presented to counter the arguments which the Applicant previously submitted. However, that section of the Final Rejection does not discuss what *Young* teaches, but instead what it merely fails to exclude explicitly. A determination of obviousness is different from a determination of infringement; in the former, the issue is what the references teach, not merely what they fail to exclude explicitly.

Therefore, the Applicant respectfully submits that that section of the Final Rejection is unavailing.

The remaining grounds of rejection will be seen to be moot in light of the above.

In light of the above, the Applicant respectfully submits that the application is in condition for allowance. Notice of such allowance is earnestly solicited.

If there remain any issues that can be overcome most easily through a telephonic interview, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (116741-00215). If an extension of time is required to render this submission timely and either is not filed concurrently herewith or is insufficient to render this submission timely, the Applicants hereby petition under 37 C.F.R. § 1.136(a) for such an extension for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully Submitted,



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